

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JONAH MICHAEL MARKER,

Plaintiff,

v.

SGT. CHAUSE,

Defendant.

ORDER

17-cv-467-jdp

JONAH MICHAEL MARKER,

Plaintiff,

v.

SGT. CHAUSE,

Defendant.

ORDER

24-cv-213-jdp

In June 2017, plaintiff Jonah Michael Marker submitted a complaint about a prison sergeant harassing him during a pat-down search. That case (No. 17-cv-467) was dismissed in 2018 under the fugitive disentitlement doctrine. In March 2024 I denied Marker's motion to reopen the case, stating that "[n]othing in [his] filing comes close to showing that [he] meets the high standard for undoing a judgment issued more than five years ago." Dkt. 30.¹ Marker followed by filing a complaint form stating that he wished to reopen his old complaint; the new case was assigned Case No. 24-cv-213-jdp.

It is unclear whether Marker's new complaint crossed in the mail with my ruling on his motion to reopen his old case, or whether Marker had a change of heart about bringing a second

¹ All citations are to Case No. 17-cv-467-jdp.

case. But after receiving a copy of the court's notice to deduct monthly partial payments of the filing fee for his new case from his prison trust fund account, he filed a motion in both cases stating, "If I can't re-open my 2017 original claim I don't want to open another one. . . . So therefore I'd like to stop payment and vacate the above claim." Dkt. 34.

I will grant Marker's motion and dismiss Case No. 24-cv-213-jdp. I will waive the remainder of the filing fee in that case and I will direct the clerk of court to notify his prison of that waiver. The court will not refund the \$4.00 initial partial payment that he has already made in that case.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion to dismiss Case No. 24-cv-213-jdp is GRANTED.
2. The remainder of plaintiff's filing fee for the '213 case is WAIVED.
3. The clerk of court is directed to notify plaintiff's prison of the waiver of the remainder of his filing fee in the '213 case.

Entered April 25, 2024.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge